



**TOWN OF WEARE**  
PLANNING BOARD  
ZONING BOARD OF ADJUSTMENT  
15 Flanders Memorial Road  
P.O. Box 190  
Weare, NH 03281  
Phone: (603) 529-2250  
Fax: (603) 529-7527

Naomi L. Bolton  
Land Use Coordinator

Office Hours:  
Monday  
thru  
Friday  
8 AM – 4:30 PM

**PLANNING BOARD  
MINUTES  
DECEMBER 17, 2009  
(Approved as written 1/14/10)**

**PRESENT:** Craig Francisco, Chairman; Frank Bolton, Vice Chairman; George Malette, Secretary; Tom Clow, Exofficio; Neal Kurk; Naomi L. Bolton, Land Use Coordinator

**GUESTS:** Chip Meany, CEO

**I. CALL TO ORDER:**

Chairman Francisco opened this hearing at 7:00 PM at the Weare Town Office Building.

**II. PUBLIC HEARING:**

PUBLIC HEARING TO DISCUSS ZONING AMENDMENT PROPOSALS FOR INCLUSION ON THE MARCH 2010 TOWN WARRANT: Chairman Francisco stated that tonight is the first public hearing for any proposed warrant articles to be included on the 2010 Town Warrant. The following amendments were discussed and some were changed. The proposed additions are in ***bold italics***; proposed deletions are ~~stricken through~~.

Are you in favor of the adoption of [Amendment No. 2](#), as proposed by the Planning Board for the Town Zoning Ordinance as follows: to amend Article 15.1.2 as follows:

All ***developments of*** residential subdivisions, condominiums and multi-family housing of 4 dwelling units or greater shall be subject to phasing in accordance with TABLE 1-2 below:

Total Dwellings <i>Units</i>	<i>Maximum Annual</i> Building Permits
<b><i>4</i></b>	<b><i>2 per year</i></b>
<del>4 to 10</del> <b><i>5 to 10</i></b>	<del>5</del> <b><i>4</i></b> per year
11 to 18	<del>6</del> <b><i>5</i></b> per year
19 to 28	<del>7</del> <b><i>6</i></b> per year
29 to 40	<del>8</del> <b><i>7</i></b> per year
41 to 54	<del>9</del> <b><i>8</i></b> per year
55 or more	<del>10</del> <b><i>9</i></b> per year

TABLE 1-2 FOR RESIDENTIAL DEVELOPMENT PHASING:

The table illustrates the maximum number of available building permits ***approved under this article*** per development ***subdivision during any 12 month period.*** ~~per calendar year approved under this article.~~ Surplus permits in any given year shall not be added onto the number of permits available in the following year.

Chairman Francisco pointed out that for the record there was no public present, so no comments were made.

Frank Bolton moved to put amendment no 2 as amended above on the final hearing notice; Neal Kurk seconded the motion, all in favor.

Are you in favor of the adoption of [Amendment No. 3](#), as proposed by the Planning Board for the Town Zoning Ordinance as follows: to amend Article 3.12.1 to further define “active and substantial development” by amending the article as follows:

- 3.12.1 ***For the purpose of determining the minimum amount of work required in order to satisfy the provisions of RSA 674:39 pertaining to protection from subsequent amendments to local land use regulations, “active and substantial development and building” means:***
- (1) the construction of one or more subdivision roads or a portion thereof approved by the Planning Board, on a subdivision plan, including any required pavement sufficient to cause eligibility for certificates of occupancy for structures on abutting lots; the completion of drainage improvements, including erosion control measures, in accordance with the approved plans; and***
  - (2) the continued compliance with the public health regulations and ordinances of the Town***

~~3.12.1 In approving any application, the Planning Board shall specify the threshold level of work which constitutes “active and substantial development and building” for the purpose of determining the minimum amount of work required in order to satisfy the provisions of RSA 674:39 pertaining to protection from subsequent amendments to local land use regulations for a period of four (4) years. (Added 3/11/08)~~

The board felt that this amendment was pretty straight forward. Again there was no public present for any comments.

Neal Kurk moved to put this amendment on agenda for the final public hearing as printed; Tom Clow seconded the motion. Vote: all in favor.

Are you in favor of the adoption of Amendment No. 4, as proposed by the Planning Board for the Town Zoning Ordinance as follows: to amend Article 27.3.7 as follows:

27.3.7 All parking within the cluster development shall be provided in ~~paved~~ off-street locations at a ratio of not less than two (2) spaces per dwelling unit

This amendment is also very clear. There was no public present to comment.

Neal Kurk moved that the amendment appear as printed; George Malette seconded the motion, all in favor.

POSSIBLE AMENDMENT NO. 5: Chip Meany explained to the board that enforcement powers were extended per a house bill. The bill basically states that fines can be issued for violations without going to district court. The recipient then has two choices, they can pay the fine or they can go to court and explain to the judge why they feel they shouldn't be fined. Mr. Meany stated one of the reasons for asking if we need to have an amendment for the warrant is that there are a lot of serious violations, seriously close to health violations, Junk yards, etc. that before the Town had to have preparation by legal council and trials. This bill eliminates a lot of legal work on the Town's behalf. Another portion of this bill is that it covers garbage that is just left lying about. The fine is \$275.00 per day. After 5 days it becomes a second offense of \$500 per day up to \$20,000. This is House Bill 86 and it becomes effective January 1, 2010. The board felt that Mr. Meany should take it to the Board of Selectmen to make everyone aware of this new bill and that no amendment would be needed.

### III. MINUTES:

SEPTEMBER 30, 2009 MINUTES: Neal Kurk moved to approve the September 30, 2009 minutes as amended; George Malette seconded the motion, all in favor except for Tom Clow and Frank Bolton, who abstained.

OCTOBER 8, 2009 MINUTES: Neal Kurk moved to approve the October 8, 2009 minutes as written; George Malette seconded the motion, all in favor except for Tom Clow who abstained.

OCTOBER 22, 2009 MINUTES: George Malette moved to approve the October 22, 2009 minutes as amended; Frank Bolton seconded the motion, all in favor except for Tom Clow who abstained.

NOVEMBER 12, 2009 MINUTES: Frank Bolton moved to approve the November 12, 2009 minutes as written; George Malette seconded the motion, all in favor, except for Tom Clow who abstained.

NOVEMBER 18, 2009 MINUTES: Craig Francisco moved to approve the November 18, 2009 minutes as written; Neal Kurk seconded the motion, all in favor except for George Malette who abstained.

DECEMBER 10, 2009 MINUTES: Frank Bolton moved to approve the December 10, 2009 minutes as written; Craig Francisco seconded the motion, all in favor.

**IV. OTHER BUSINESS:**

METRO ECONOMIC DEVELOPMENT: Chairman Francisco stated that Dani-Jean had sent him some information for the board to look at and he will be sending it around via email with it as an attachment.

GENERAL JOHN STARK SCENIC BY-WAY MEETING: George Malette informed the board that on January 21, 2010 our Town has been selected to have the General John Stark Scenic By-way meeting. The meeting is going to be held from 4-7 PM at the Town Hall and it is open to the public, but more specifically it will be discussing the effect it may or may not have on businesses.

GROWTH AND DEVELOPMENT ROUNDTABLE INFORMATION: George Malette had information that was handed out at this meeting and only had one copy to share with other members. Frank Bolton will take home the information to review and then bring it back for others to review.

ATTORNEY CALLEN'S LETTER REGARDING MT. WILLIAM ASPHALT PLANT: The board asked Naomi to make sure and send Attorney Bill Drescher a copy of this letter.

FUTURE WORK SESSION: Chairman Francisco stated that he will email the Conservation Commission to invite them to the work session in February and to invite them to the January 28<sup>th</sup> meeting to compose questions for Attorney Drescher to address at the February work session.

**V. ADJOURNMENT:**

As there was no further business to come before the board, Tom Clow moved to adjourn at 8:50 PM; George Malette seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton  
Land Use Coordinator